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10/642,678	08/19/2003	Stephen G. Holmes	NVID-065/00US	3501

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EXAMINER
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SAUNDERS JR, JOSEPH

ART UNIT	PAPER NUMBER
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2615

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12/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/642,678	<b>Applicant(s)</b> HOLMES ET AL.	
	<b>Examiner</b> Joseph Saunders	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-14, 17, 18 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-14, 17, 18 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 23, 2007 has been entered. Claims 1 – 10, 12 – 14, 17, 18, and 21 – 23 are currently pending and considered below.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: Claim 1 introduces "a single sound card" in the preamble, however then introduces "a sound card" on line 7; "a sound card" on line 7 should be corrected to "the single sound card". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3 – 9, 12 – 14, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slezak (US 6,647,119 B1), hereinafter Slezak, in view of Sibbald (US 6,498,857 B1), hereinafter Sibbald, and Shaw et al. (US 6,016,515), hereinafter Shaw.

**Claim 1:** Slezak discloses a method for processing multi-channel audio data from multiple sources using a single sound card, comprising: presenting a plurality of virtual devices to a user (simulated sound sources), each receiving a selection from the user (via indicator 294), the selection being an association of at least one of a plurality of audio data streams generated by different applications (list of system events 282 from different applications) with at least one of the plurality of virtual devices (simulated sound sources), each virtual device associated with at least one output audio channel of a plurality of output channels of the single sound card (simulated sound sources are audible indicators played through speakers 55A and 55B and therefore are associated with at least one output audio channel of a plurality of output channels of sound card 57); and using a plurality of virtual device drivers (filters) to program the single sound card to associate audio data streams of open applications with output audio channels based on the user's selection of virtual devices (Column 4 Line 25 – Column 5 Line 16); and simultaneously outputting audio from two or more open applications according to the user's selection of virtual devices, wherein the user's selection associates one or more virtual devices with the audio stream of each open application (Slezak discloses in

Figure 10 and Column 9 – Line 49 – Column 10 Line 14 that the user selects from a list of system events such as “e-mail notification” and Figure 10 also shows “appointment reminder” being listed. Slezak also discloses in Column 4 Lines 25 – 30 that “the operating system 35 supports operation of multiple application programs 7. As an example, the application 7 might be a scheduler program, an electronic mail program, a database program, or any number of other application programs commonly available”. Therefore, the list of system events constitutes the claimed two or more different applications. Slezak further discloses relating a simulated sound source from a word processor to a distinct point in space while sounds from another program showing important stock information relate to sounds at different points in space so that, while the applications are simultaneously outputting audio, the user can easily ascertain or distinguish between the different programs due to the location of the simulated sound sources (Column 5 Line 55 – Column 6 Line 32)).

Slezak does not disclose the interprocess communications taking place to implement the invention and therefore does not disclose wherein the virtual device drivers write audio data streams from open applications into a system memory accessible by a sound card and at an audio processing unit of the sound card, reading audio data and the virtual device selection from system memory; at the audio processing unit of the sound card, multiplexing audio data streams from open applications based on the user's selection to support simultaneously outputting audio from a plurality of open applications.

Sibbald further discloses how positioning of virtual sound sources is done for more than one signal source. In particular Figure 13 illustrates multiple signal sources S1 – S3 (Which is representative of the audio data streams generated by different applications), each being processed by a corresponding HRTF (corresponding to a virtual device driver) in order to position the virtual sound sources (corresponding to virtual devices), and then outputs of all of the HRTFs are multiplexed and simultaneously output. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Sibbald to the invention of Slezak, since Sibbald illustrates how to apply filters to different sources and multiplex the signals in a manner so that sounds that are intended on sounding as if coming from different positions in space do not end up sounding as if recorded from a single point source (Column 8 Lines 12 – 32).

Sibbald does not teach how to implement HRTFs in a computer system as disclosed by Slezak and therefore also does not teach virtual device drivers that write audio data streams from open applications into a system memory accessible by a sound card and at an audio processing unit of the sound card, reading audio data and the virtual device selection from system memory; at the audio processing unit of the sound card.

However Shaw discloses a system and method for processing sound in a computer system and discloses a way of applying effects to different audio streams before rendering. Shaw teaches that “filter” refers to the portion of the functionality found within a software driver, including the entire driver itself (Column 5 Lines 10 – 25).

Shaw also discloses in Figure 2 that in processing audio streams, effects filters (for example the filters or HRTFs) operating in kernel mode (system memory) may have an associated effects processor or the effects filter may operate entirely in software emulating the actual hardware processor. Therefore, the effects processor writes the processed audio data stream to memory allowing for the sound card to read the processed audio data stream (corresponding to the positioning of the virtual devices based on the user 's selection) and later reading the information from system memory by the sound card where it is simultaneously output.

Therefore well the disclosures of Slezak and Sibbald does not explicitly provide all the necessary information to implement the system; in view of the teachings of Shaw, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the invention of Slezak and Sibbald with virtual device drivers as disclosed by Shaw performing the effects of the HRTFs disclosed by the system of Slezak and Sibbald on each different applications audio stream in order to position the sound corresponding to the different applications since the disclosure of Shaw provides for a well developed and standardized method of processing audio in a computer environment (Shaw, Column 1 Lines 9 – 16).

**Claim 3:** Slezak, Sibbald, and Shaw disclose the method of claim 1, wherein presenting includes displaying a list of the plurality of virtual devices on a graphical user interface wherein the graphical user interface associates each of the plurality of output channels with at least one of a plurality of jacks on the sound card (Slezak, Figure 10).

**Claim 4:** Slezak, Sibbald, and Shaw disclose the method of claim 3, wherein the graphical user interface associates each of the plurality of output channels with at least one of a plurality of audio devices (speakers 54A and 54B) external to the sound card (Slezak, Figure 2).

**Claim 5:** Slezak, Sibbald, and Shaw disclose the method of claim 3, wherein the graphical user interface associates each of the plurality of output channels with at least one of a plurality of geographical locations (associated via filters or HRTFs as a result of the user selection; Slezak, Column 4 Line 25 – Column 5 Line 16 and Column 9 – Line 49 – Column 10 Line 14).

**Claim 6:** Slezak, Sibbald, and Shaw disclose the method of claim 1, wherein receiving includes receiving inputs from the user via a graphical user interface (Slezak, Figure 10).

**Claim 7:** Slezak, Sibbald, and Shaw disclose the method of claim 1, wherein the each of the plurality of audio streams are associated with one of a plurality of audio applications (Slezak, Figure 10).

**Claim 8:** Slezak, Sibbald, and Shaw disclose the method of claim 1, wherein receiving includes reading an association of at least two audio data streams with a single virtual



device (Shaw discloses that it is possible to mix audio data streams, Column 22 Lines 27 – 34. Also it is well known in the art that a single application may contain multiple data streams and therefore, as taught by Slezak, would be associated with the single virtual device during the selection by the user.)

**Claim 9:** Slezak, Sibbald, and Shaw disclose the method of claim 1, wherein outputting includes converting each of the plurality of audio data streams from digital to analog format (Slezak, Figure 2).

**Claim 12:** A method for processing audio data, comprising: in a single sound card, reading a system memory storing a plurality of audio data streams from open applications and a user selection, the user selection being an association of each of the plurality of audio data streams with at least one of a plurality of virtual devices, each of the plurality of virtual devices representative of at least one of a plurality of output channels; in an audio processing unit of the single sound card, performing audio processing that includes multiplexing the plurality of audio data streams based on the user selection into a multiplexed audio data stream based on the user's selection and writing the multiplexed audio data stream to the system memory: in the single sound card, performing an audio codec operation that includes reading the multiplexed audio data stream from system memory and parsing the multiplexed audio stream into a plurality of output data streams, each of the plurality of output data streams being associated with at least one of the plurality of output channels based on the user

selection; and simultaneously outputting audio from two or more open applications according to the user's selection of virtual devices, wherein the user's selection associates one or more virtual devices with the audio stream of each open application.

All of the limitations of claim 12 were addressed in claim 1 above and therefore are rejected for the same reasons.

**Claim 13:** Slezak, Sibbald, and Shaw disclose the method of claim 12, wherein parsing is based on a predetermined scheme (Audio is parsed to the appropriate speakers based on the HRTF processing as disclosed by Sibbald).

**Claim 14:** Slezak, Sibbald, and Shaw disclose the method of claim 12, further comprising mixing at least two of the plurality of audio data streams. (Addressed in claim 8 above and therefore rejected for the same reasons).

**Claims 22 and 23:** Slezak, Sibbald, and Shaw disclose the method of claim 12 and system of claim 1, wherein the two or more open application includes at least two applications selected from the group consisting of a media player, game software, a video player, and software generating audio data as output ("scheduler program, an electronic mail program, an electronic mail program, or any number of other application programs commonly available," Slezak, Column 4 Lines 25 – 30, and the office takes official notice that media players, game software, and video players were all well known applications programs commonly available at the time of the invention).

5. Claims 2, 10, 17, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slezak, Sibbald, and Shaw, and further in view of Puryear et al. (US 2004/0064210 A1), hereinafter Puryear, and Li et al. (US 5,860,060), hereinafter Li.

**Claim 2:** Slezak, Sibbald, and Shaw disclose the method of claim 1, but do not disclose the invention further comprising the audio processing unit writing multiplexed audio data streams back to system memory and an audio codec interface of the sound card reading multiplexed audio data streams from system memory and routing signals in the digital domain to a plurality of audio codec DACs to generate analog output channels according to the user's selection. Puryear discloses more information relating to the implementation of a sound card and discloses that in addition to the architecture disclosed by Shaw, with effects filters operating entirely in software or as hardware components separate from the sound card, the effects filters or virtual device drivers can also be included on the sound card and have bi-directional communication with a filter graph stored in system memory and therefore eliminate the need for additional processing components. Therefore it would have been obvious to one of ordinary skill in the art to modify the sound card of the invention of Slezak, Sibbald, and Shaw as disclosed by Puryear to have an audio processing unit of the sound card write multiplexed audio data from to system memory and read multiplexed audio data from system memory before the final step of rendering the output takes place thereby eliminating the need for separate and additional processing components. The invention

of Slezak, Sibbald, Shaw, and Puryear, well disclosing rendering the signal through a digital to analog converter however do not show the details of the DAC and therefore do not disclose having a plurality of digital to analog converters for each channel.

References such as Li, however disclose that it is well known to have a separate DAC for each output channel (Figure 8). Also note that Li discloses block 530 as a D/A circuit in the singular but it does indeed contain a plurality of DACs 810 and 811. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include a plurality of DACs to audio output as disclosed by Li in the system of Slezak, Sibbald, Shaw, and Puryear, since it is well known in the art to use separate DACs after de-multiplexing the audio signal into separate channels (Li, Column 8 Lines 54 – 67).

**Claim 10:** A system for processing multi-channel audio data from multiple sources using a single sound card, comprising: a graphical user interface configured to display a plurality of virtual devices to a user, each of the plurality of virtual devices representative of at least one of the plurality of output channels on the single sound card, the graphical user interface further configured to receive a selection from the user, the selection being an association of each an audio data stream with at least one of the plurality of virtual devices, the single sound card coupled to the graphical user interface to receive the user selection and the audio data streams, the single sound card further configured to output the audio data stream based on the selection/and a plurality of virtual device drivers to write digital audio data streams from open applications into the memory and to program the sound card to associate digital audio data streams of open applications

with analog output audio channels based on the user's selection of virtual devices: the system simultaneously outputting audio from two or more open applications according to the user's selection of virtual devices, wherein the user's selection associates one or more virtual devices with the audio stream of each open application.

All of the previous limitations of claim 10 along with the limitation the single sound card having an audio processing unit to read digital audio data from a memory were addressed in claim 1 above, and claim 2 above addresses the limitation of an audio codec having a plurality of digital to analog converters (DACs) to support a plurality of analog output channels. Therefore claim 10 is rejected for the reasons presented in claims 1 and 2.

**Claim 17:** A system for processing audio data, comprising: a system memory having a plurality of audio data records from open applications and a user selection, the user selection being an association of each of the plurality of audio data records with at least one of a plurality of virtual devices, each of the plurality of virtual devices representative of at least one of a plurality of output channels on a single sound card; an audio processor of the single sound card being coupled to the system memory and configured to read the plurality of audio data records and the user selection, the audio processor further configured to multiplex the plurality of audio data records based on the user selection into a multiplexed audio data record; and an audio codec and associated audio codec interface of the sound card being coupled to the system memory and configured to parse the multiplexed audio record into a plurality of output data streams,

each of the plurality of output data streams being associated with at least one of the plurality of output channels, the system supporting simultaneously outputting audio from two or more open applications according to the user's selection of virtual devices, wherein the user's selection associates one or more virtual devices with the audio stream of each open application.

All of the previous limitations of claim 17 were addressed in claim 1 above, and claim 2 above addresses the limitation of the audio codec including a plurality of digital to analog converters (DACs) with the audio codec being configured to process the plurality of output data streams and assign output data streams to digital-to-analog converters associated with output channels defined by the selection. Therefore claim 10 is rejected for the reasons presented in claims 1 and 2.

**Claim 18:** Slezak, Sibbald, Shaw, and Puryear, and Li disclose the system of claim 17, wherein the first processor is further configured to mix at least two of the plurality of audio data records (Addressed in claim 8 above and therefore rejected for the same reasons).

**Claims 21:** Slezak, Sibbald, Shaw, and Puryear, and Li disclose the system of claim 17, wherein the two or more open application includes at least two applications selected from the group consisting of a media player, game software, a video player, and software generating audio data as output ("scheduler program, an electronic mail program, an electronic mail program, or any number of other application programs

commonly available,” Slezak, Column 4 Lines 25 – 30, and the office takes official notice that media players, game software, and video players were all well known applications programs commonly available at the time of the invention).

### ***Response to Arguments***

6. Applicant's arguments filed October 23, 2007 with respect to claims 1 – 10, 12 – 14, 17, 18, and 21 – 23 have been fully considered but they are not persuasive.

Applicant alleges that the cited art does not teach or suggest “simultaneously outputting audio from two or more different open applications according to the user's selection of virtual devices, wherein the user's selection associates one or more virtual devices with the audio streams of each application”. Applicant points to Colum 1 Lines 50 – 53 for support that “Slezak deals with the situation of a single application,” see Applicant's remarks page 7. However, upon reviewing Slezak, the paragraph containing Column 1 Lines 50 – 53 states, “A first broad aspect of the invention includes a method of providing information to a computer user that includes displaying separate visual cues of information on a computer monitor. A simulated sound source is generated for each separate visual cue displayed on the computer monitor. The simulated sound sources are spaced-apart from each other about the computer user.” This paragraph contains no mention of “the situation of a single application”. As pointed out in the rejection of claim 1 above, Slezak discloses in Figure 10 and Column 9 – Line 49 – Column 10 Line 14 that the user selects from a list of system events such as “e-mail notification” and Figure 10 also shows “appointment reminder” being listed. Slezak also discloses in Column 4

Lines 25 – 30 that “the operating system 35 supports operation of multiple application programs 7. As an example, the application 7 might be a scheduler program, an electronic mail program, a database program, or any number of other application programs commonly available”. Therefore, the list of system events constitutes the claimed two or more different applications. Slezak further discloses relating a simulated sound source from a word processor to a distinct point in space while sounds from another program showing important stock information relate to sounds at different points in space so that, while the applications are simultaneously outputting audio, the user can easily ascertain or distinguish between the different programs due to the location of the simulated sound sources (Column 5 Line 55 – Column 6 Line 32). Therefore, Slezak does teach “simultaneously outputting audio from two or more different open applications according to the user’s selection of virtual devices, wherein the user’s selection associates one or more virtual devices with the audio streams of each application”

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Saunders whose telephone number is (571) 270-1063. The examiner can normally be reached on Monday - Thursday, 9:00 a.m. - 4:00 p.m., EST.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JS  
December 8, 2007



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**